Planning Committee: 15 September 2015 **Item Number:** 14

Application No: W 15 / 1138

Registration Date: 15/07/15
Town/Parish Council: Warwick **Expiry Date:** 09/09/15
Case Officer: Liam D'Onofrio
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Bridge Garage, 162-163 Birmingham Road, Warwick, CV34 5RH
Demolition of existing garage building and erection of 8 residential flats and associated car parking/landscaping. FOR Mr Michael Rainbow

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This application is being presented to Committee due to the number of objections received and an objection from the Town Council.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of Bridge Garage and the erection of a building accommodating 8 flats and associated parking spaces, bin and cycle storage and landscaping. The building consists of four one-bedroomed flats at ground floor and four 2-bedroomed flats at first floor.

The current vehicular access off Birmingham Road will be closed and the site will be accessed from St Mary's Close where provision will be made for ten parking spaces, communal bins and a cycle store.

The application is accompanied by a Protected Species Survey, Energy Statement and Design and Access Statement, which indicates that: "The flats are designed such that at ground floor there is a route from the pavement along Birmingham Road through to the rear of the site and the car parking area. Communal areas are designed with security entrance doors to avoid unwanted entry. Ground floor flats will have extra wide doorways and level thresholds to cater for wheelchairs".

THE SITE AND ITS LOCATION

The application site relates to Bridge Garage (also known as Warwick Batteries and Warwick Tyres) which is located on the northern side of the Birmingham Road within the built up area of Warwick. The site is bounded by residential properties to the north and east and The Dun Cow PH is located to the western boundary. The grand Union Canal is located on the opposite side of the highway to the south.

PLANNING HISTORY

W/15/0537: Proposed demolition of existing garage building, trading as a battery & tyre business and change of use; erection of 8 flats and associated car parking: Withdrawn 26/05/15 to secure a bat survey and re-design of proposed apartments.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, the proposal represents an overdevelopment of the site and consequently would not meet the requirements

of Policy DP1. The present proposal will greatly increase traffic flows and have a detrimental effect on the area. Additionally there is a limited provision for car parking.

Inland Waterways: No objection.

Canals and Rivers Trust: No objection.

WCC Highways: No objection, subject to conditions.

WCC Archaeology: No objection.

WCC Ecology: No objection, notes suggested.

WCC Landscape, Ecology and Historic Environment: No objection, suggest hard and soft landscaping condition.

Public response:
There have been five letters of objection raising the following concerns:
- The access should be on the Birmingham Road.
- Quiet nature of St Mary's Close/St Christopher's Close will be altered.
- St Mary's Close is a narrow cul-de-sac/unsuitable for extra traffic.
- Potential highway/pedestrian safety issues.
- Insufficient parking provision/existing on-street parking problems in the locality.
- Possible restriction to access of emergency vehicles.
- Loss of privacy, noise and disturbance.

A multi-signature letter with 43 signatures from local residents has been received raising the following objections:
- The opening onto St Mary's Close, as it is a single road.
- The parking, congregating around St Christopher's Close and St Michael's Road.
- Whether the Police need to be consulted, as it may not be legal [regarding parking?].
- Allocation of 8-10 parking spaces, 2.4 cars to a family, does not add up.
- The applicant obviously doesn't care about Warwick or the 80% of OAPs that live in the close.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Principle;
- Character and appearance;
- Neighbouring amenity;
- Highway safety;
- Flood risk;
- Renewable energy;
- Ecology;
- Health and Wellbeing.

The Principle of the Development

Policy UAP1, which states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. Despite the scheme's compliance with Policy UAP1 the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy UAP1 is to be considered out-of-date.

In terms of National policy the NPPF seeks to significantly boost the supply of housing and indicates that housing applications should be considered in the context of sustainable development. Paragraph 14 of the NPPF states that at the heart of the framework is the presumption in favour of sustainable development. Para.14 states that where the Development Plan is out-of-date, as in the case of Policy UAP1, permission should be granted provided that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where there are no specific policies in the NPPF that indicate that development should be restricted.

The site is within a sustainable location and will re-use previously developed land. Officers consider that approving this development would be consistent with paras.14 and 49 of the NPPF and non-housing supply policies of the Local Plan (considered up-to-date where consistent with the NPPF).

The scheme is therefore considered to be acceptable in principle.

The impact on the Character and Appearance of the Area

In design terms the previous scheme submitted under W/15/0537 followed the post-war design of properties on St Mary's Close; however it was considered that as the development fronts the Birmingham Road it is viewed within the context of The Dun Cow PH as a small building group. The applicant has amended the design accordingly to better reflect the character and design of The Dun Cow PH.

The proposed building will have a vertical emphasis to windows and a strong rhythm appearing as a terraced block. The building provides an active frontage with pedestrian entrances and a landscaped garden beyond a boundary wall. The siting of the building is appropriate, following a natural step within the building line, set forward of No.5 St Mary's Close and set back from The Dun Cow PH.

The demolition of the existing buildings and replacement with this residential scheme is considered to provide a significant visual enhancement to the streetscene on this main radial route into Warwick Town Centre.

The impact on the living conditions of nearby dwellings

The proposed apartment building will not breach the 45-degree sightline as measured from habitable windows within adjoining properties on St Mary's Close. The Dun Cow PH has three windows facing onto the site, which relate to a living-room, kitchen and office. These windows are situated 5.5 metres from the application site boundary and are, more significantly, situated at first floor level serving the flat over the public house. The windows will therefore look onto the upper part of the proposed building, which is a gable end with a pitch roof dropping either side from the ridge. Officers consider that the impact to these first floor windows is akin to a ground floor windows facing onto a boundary wall and the impact upon light and outlook to the occupier of the public house is not considered to be so significant as to warrant refusal of the scheme.

There are side-facing windows proposed in the apartment building and a condition is suggested to ensure that the first floor units are obscure glazed to avoid any overlooking potential. This is considered acceptable as the windows will serve small kitchens within no dining area.

The development will meet all other necessary separation distances and is not considered to result in any significant impact upon the amenities of the occupiers of other surrounding properties.

A standard land contamination condition is suggested given the current use of the building and the fact that the site relates to a former petrol station and remediation of the land may be necessary.

Car Parking and Highway Safety

The Highway Authority have raised no objection, subject to conditions. It is noted that access for the existing site is currently gained from the A425 Birmingham Road and access from the proposed development would be from the end of the existing turning head of St Mary's Close. The concerns of existing residents are noted, however the Highway Authority have raised no objection to using this road as an access to the site. The Highway Authority also note that the parking provision for the development is in accordance with the Council's Vehicle Parking Standards SPD and is within a sustainable location.

The bin store will be conveniently located close to the public highway for collection.

Drainage and Flood Risk

The site is located in Flood Zone 1 and therefore no flood risk issues are raised. A condition is suggested to secure either permeable hardstanding or to direct surface water run off to a porous area within the site.

Renewable Energy

The scheme will require the provision of either renewable technology to meet 10% of the predicted energy requirements for the dwellinghouse or a fabric first construction to reduce the energy demand of the property. This can be secured through condition.

Ecological Impact/landscaping

The County Ecologist has assessed the Protected Species Survey and raises no objections to the scheme. The Ecologist has suggested a bat and nesting bird note, an indigenous planting note and sensitive lighting note be attached to any approval granted.

Hard landscaping details to include new boundary walls and planting details can be secured by condition to ensure an appropriate finish to the development.

Health and Wellbeing

There are no health and wellbeing issues raised by this scheme.

Open space

The scheme will require an open space contribution in accordance with Policy SC13, which can be secured by condition.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle, respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2015-1523-06B, 2015-1523-07B, 20-15-1523-05 B, and specification contained therein, submitted on 14/07/15. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied

until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

4 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

5 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the apartments hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives

written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall not be commenced unless and until details for secure, covered cycle parking and a bin storage area have been submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented in full prior to first occupation of the development and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development and to protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.

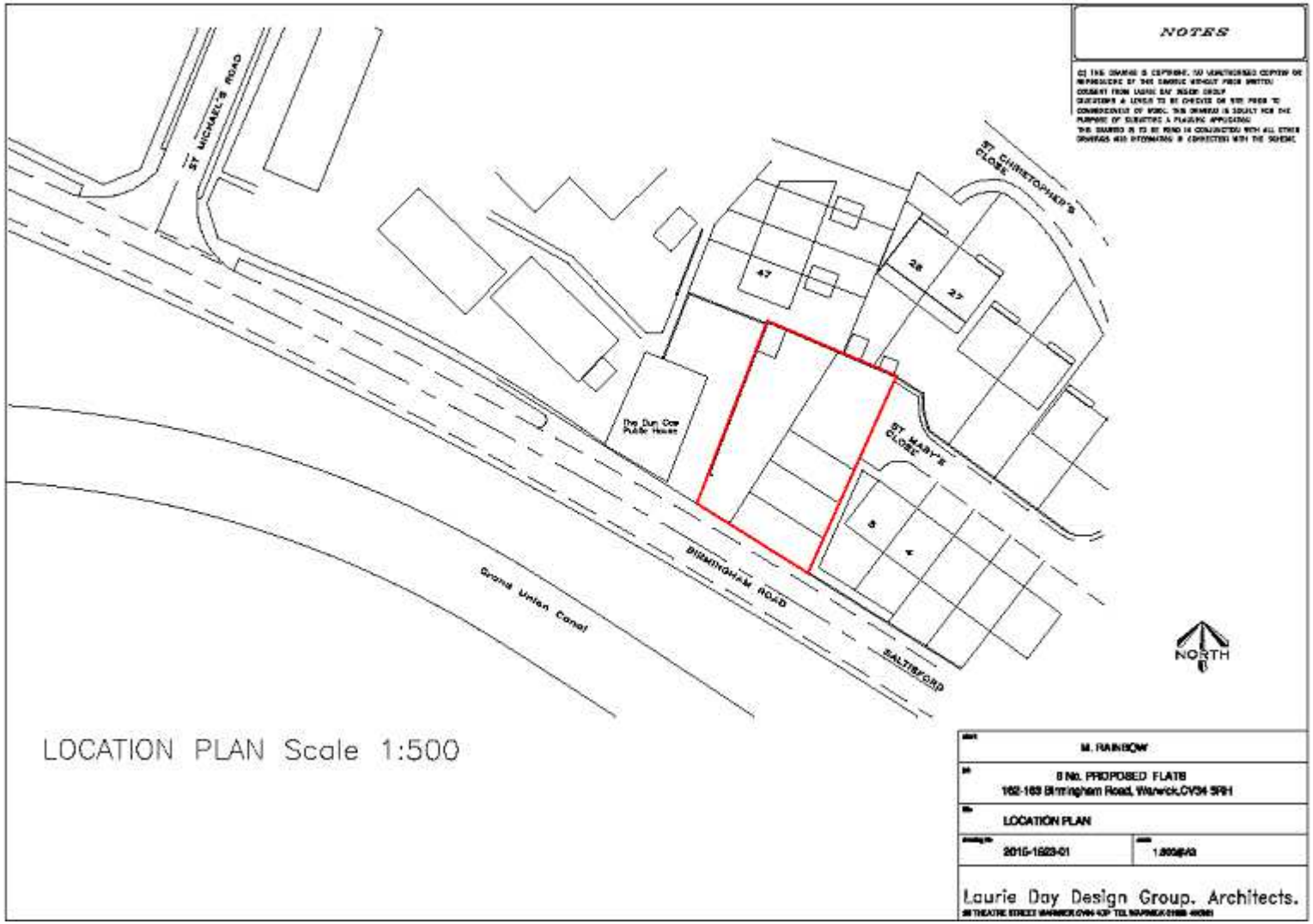
8 The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

9 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON**: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

10 The means of vehicular access to the development hereby permitted shall be from St Mary's Close only. The existing vehicular access to the development on the Birmingham Road shall be closed and the kerb and footway reinstated in accordance with the standard highway specification prior to first occupation of the development hereby approved. **REASON:** In the interests of highway safety in accordance

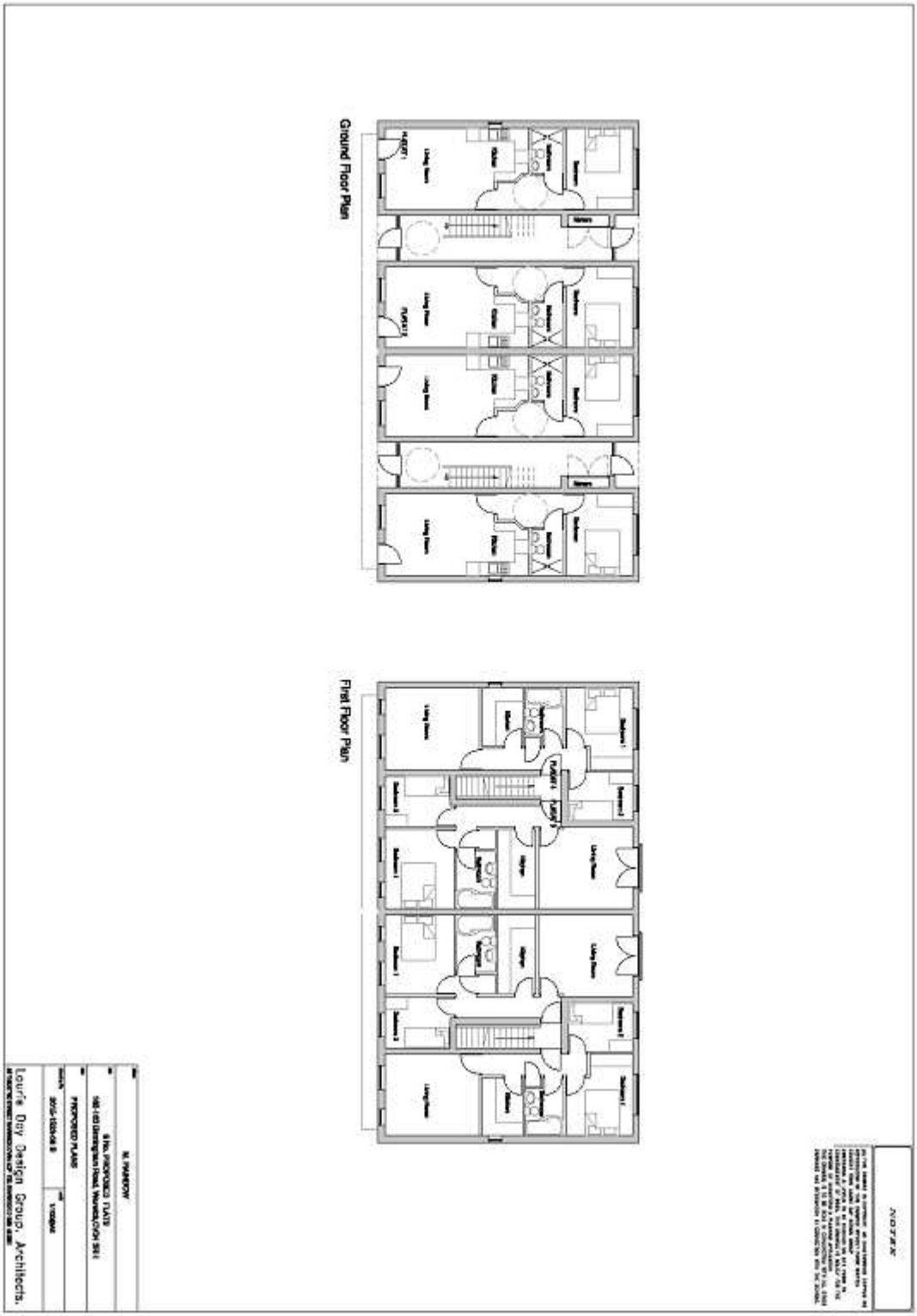
with Policy DP6 of the Warwick District Local Plan 1996-2011.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor kitchen window(s) to be formed in the side facing elevations of the building hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.


NOTES
ST MICHAEL'S ROAD
ST CHRISTOPHER'S CLOSE
ST MARY'S CLOSE
The Dun Cow Public House
BIRMINGHAM ROAD
SALTISFORD
Grand Union Canal
47
28
27
6
4
NORTH
LOCATION PLAN Scale 1:500
M. RAINBOW
8 No. PROPOSED FLATS
162-169 Birmingham Road, Warwick,CV34 5PH
LOCATION PLAN
2010-1623-01
1:500@A3
Laurie Day Design Group. Architects.

NOTES
The Dun Cow
Public House
ST MARY'S
CLOSE
BIRMINGHAM ROAD
NORTH
SITE PLAN Scale 1:100
M. RAINBOW
6 No. PROPOSED FLATS
163-165 Birmingham Road, Warwick,CV34 5TH
PROPOSED SITE PLAN (showing roof plan)
Lauria Day Design Group, Architects.

NOTES
THE DUN COW PUBLIC HOUSE
THE SITE 162-163 BIRMINGHAM ROAD
Front Street Elevation - South
Rear Elevation - North
Side Elevation - West
Side Elevation - East
BIRMINGHAM ROAD
New 6.0m Access
End of St. Mary's Close
M. RAINBOW
PROPOSED ELEVATIONS
Laurie Day Design Group. Architects.


Ground Floor Plan
First Floor Plan
NOTES
Louris Day Design Group, Architects.